

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-11 are pending in the application, with claims 1 and 9 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 8, and 9

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,875,457 to Shalit (hereinafter Shalit). Applicants respectfully traverse the rejection and request that it be withdrawn.

In rejecting claim 1, the Examiner asserted that Shalit discloses the feature of mapping new data to a spare space in col. 4 lines 28-31 of Shalit. Applicants respectfully submit that Shalit does not accomplish this feature for several reasons. First, Shalit does not actually allow entirely new or different data to be recorded during the free space allocation stage 404-412 or during the raid expansion stage 414-424. Col. 4 lines 28-31 of Shalit recites, "[i]n the event that a write takes place, then the copy step (406) must be restarted so that the *new data for this zone* can be copied across to the new disc" (emphasis added). Applicants submit that the term "new data", within the meaning of the cited portion of Shalit, actually means data with either pre-existing addresses on the disk drive array, or data that are earmarked as replacement data (update data) for data already located on the zone where the space allocation stage takes place.

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Although Shalit specifically allows update data to be entered for the zone, it fails to disclose how it will handle data that are not meant to be written in that *zone*.

Secondly, during the free space allocation stage 404 and 406, the original data in the last arm have not been copied. Therefore any data write that are entirely new or different (i.e. data not meant for that zone) will effectively destroy the original data. This result would be contrary to the purpose of Shalit, namely RAID expansion while preserving data integrity. Accordingly, Shalit does teach or suggest the mapping of new data to spare space as recited in claim 1. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claim 1.

Independent claim 9 is patentable over Shalit for at least the reasons provided above. Claim 8 depends from claim 1 and is patentable for at least the reasons provided above. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 8 and 9.

Rejections Under 35 U.S.C. § 103

Claims 2-7 and 10-11

Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shalit in view of U.S. Patent No. 5,615,352 to Jacobson *et al.* (hereinafter Jacobson). Claim 3 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shalit in view of U.S. Patent No. 6,067,635 to DeKoning *et al.* (hereinafter DeKoning). Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shalit in view of U.S. Patent No. 5,524,204 to Verdoorn, Jr. (hereinafter Verdoorn). Claim 10 was rejected under 35 U.S.C. § 103(a) as being

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allegedly unpatentable over Shalit in view of DeKoning and Verdoorn. Claim 11 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shalit in view of Jacobson and Verdoorn. Applicants respectfully traverse all of these rejections, and request that the Examiner reconsider and withdraw the rejections.

Claims 2-7 and 10-11 depend from claims 1 and 9, respectively. The disclosures of Jacobson, DeKoning, and Verdoorn add nothing to the disclosure of Shalit to overcome the deficiencies of the latter with respect to claims 1 and 9. Claims 2-7 and 10-11 are therefore patentable over the Examiner's several combinations of references for at least the reasons presented above. Applicants therefore request that the Examiner reconsider and withdraw the rejection of claims 2-7 and 10-11.

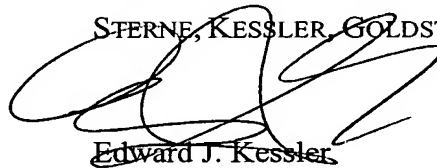
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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